

## **REMARKS**

Applicant has amended claims 35 and 49 during instant prosecution of this patent application. Applicant is not conceding in this patent application that said amended and canceled claims are not patentable over the art cited by the Examiner, because the claim amendments are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue said amended claims in one or more continuations and/or divisional patent applications.

The Examiner rejected claims 49-51 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner rejected claims 35, 36, 38, 39, 42-46 under 35 U.S.C. §102(b) as allegedly being anticipated by Takizawa (U.S. Patent Publication No. 2004/0176685).

The Examiner rejected claim 40 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takizawa (U.S. Patent Publication No. 2004/0176685) in view of Gazdzinski (U.S. Patent Publication No. 2001/0051766).

The Examiner rejected claim 41 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takizawa (U.S. Patent Publication No. 2004/0176685) in view of Homan et al. (U.S. Patent No. 7,195,588).

The Examiner rejected claims 49-51 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takizawa (U.S. Patent Publication No. 2004/0176685) in view of Ichiro et al. (Japanese Patent No. 2001-091860).

Applicant respectfully traverses the §§ 112, 102, and 103 rejections with the following arguments:

Prior to addressing the new substantive rejections, Applicant would like to clarify the present disclosure. Specifically, as stated in the first response, the system of the present disclosure is structured as follows: **With the exception of the battery, all chips and circuits used in the system of the present disclosure are installed on a flexible circuit board, which is connected to a battery via lead wires.** In particular, the system of the present disclosure includes: a CMOS camera installed on a flexible circuit board and connected to a DSP chip on the same flexible circuit board via conductors on this flexible circuit board. Image data from the CMOS camera are transmitted to the DSP chip via the conductors on the flexible circuit board. The DSP chip is connected to the wireless data emission chip also installed on the flexible circuit board via connection lines on the same flexible circuit board. Image data compressed by the DSP chip is sent to the wireless data emission chip via connection lines on the flexible circuit board. The wireless data emission chip moderates the data and emits the data via an antenna formed by the conductor printed on the flexible circuit board.

After installation of the CMOS camera, the DSP chip, and the wireless data emission chip on the flexible circuit board, the flexible circuit board is bent and shaped into a cylinder like configuration and electrically connected to a battery via the lead wires mentioned above. The system of the present disclosure is completed by wrapping a protective membrane on the exterior of the cylinder like configuration and the battery.

**35 U.S.C. §112, second paragraph:**

The Examiner rejected claims 49-51 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant respectfully contends that based on the amendments to the claim 49, claims 49-51 are not indefinite. Thus, Applicant respectfully requests reconsideration and removal of the rejection under 35 U.S.C. 112, second paragraph.

**35 U.S.C. § 102(b):**

The Examiner rejected claims 35, 36, 38, 39, 42-46 under 35 U.S.C. §102(b) as allegedly being anticipated by Takizawa (U.S. Patent Publication No. 2004/0176685).

Applicant respectfully contends that Takizawa does not anticipate the claim limitations because Takizawa does not teach each and every element of the claim limitations. For example, Takizawa fails to teach, “a power source, operatively positioned within the outer shell and operatively connected to the flexible PCB structure *and physically separate from the flexible PCB structure*. The examiner cites paragraph 0134 [a power source (29), operatively positioned within the outer shell and operatively connected to the flexible PCB structure (see [0134] where power from battery is supplied through FPC] of Takizawa et al. Referring to FIG. 2 of Takizawa, the battery 29 physically touches the FPC 32. Contrastingly, claim 35 requires that the power source is physically separate from the PCB. The instant specification reads:

“...the outer surface and cover with a 13mm diameter round drum externally to as the protective layer to make main body 93, inside which lens 5, image sensor 6, lamp 7 are installed and place *power source structure in internal capsule 8*. Image sensor 6, lamp 7, outer shell main body 93, *power source structure and other electronics structure connected together by means of lead wires* to form the capsule pattern endoscope with front cover 91 and rear cover 92.” (instant specification, page 7) (emphasis added)

The instant drawings depict an embodiment of an internal capsule 8 which may refer to the internal space/volume surrounded by a cylindrical PCB which is operatively connected to the outer shell. The power source is placed within the internal capsule 8, physically separated from the PCB, electrically/operatively connected together by lead wires. Therefore, Takizawa fails to teach and every element of the claim limitations.

Because the power source is physically separate from the flexible PCB (i.e. not positioned on the PCB), various sizes and numbers of power sources may be used. The rollable PCB having components 4 positioned on the PCB allows for increased internal volume, defined by an internal capsule 8. Larger power sources, or multiple power sources may be placed within the internal capsule 8 accordingly. If the power source was positioned on the flexible PCB, the size of the battery may be limited to what the rollable/flexible PCB can accommodate. Likewise, the flexibility of the PCB may also be compromised if the power source was positioned on and not physically separate from the PCB.

Based on the foregoing, Applicant respectfully requests reconsideration and removal of the anticipation rejection, and respectfully contends that claims are in condition for allowance.

**35 U.S.C. § 103**

The Examiner rejected claim 40 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takizawa (U.S. Patent Publication No. 2004/0176685) in view of Gazdzinski (U.S. Patent Publication No. 2001/0051766).

Applicant respectfully contends that because claim 35 is in condition for allowance, and claim 40 depends from claim 35, Applicant contends that claim 40 is likewise in condition for allowance.

Accordingly, Applicants respectfully request reconsideration and removal of the § 103 rejection.

The Examiner rejected claim 41 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takizawa (U.S. Patent Publication No. 2004/0176685) in view of Homan et al. (U.S. Patent No. 7,195,588).

Applicant respectfully contends that because claim 35 is in condition for allowance, and claim 41 depends from claim 35, Applicant contends that claim 41 is likewise in condition for allowance.

Accordingly, Applicants respectfully request reconsideration and removal of the § 103 rejection

The Examiner rejected claims 49-51 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takizawa (U.S. Patent Publication No. 2004/0176685) in view of Ichiro et al. (Japanese Patent No. 2001-091860).

Applicant respectfully contends that because claim 35 is in condition for allowance, and claims 49-51 depend from claim 35, Applicant contends that claims 49-51 are likewise in condition for allowance.

Accordingly, Applicants respectfully request reconsideration and removal of the § 103 rejection

### **CONCLUSION**

Based on the preceding arguments, Applicant respectfully believes that all pending claims meet the acceptance criteria for allowance and therefore requests favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

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